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9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 ANDRE MORROW LACKNER,

16 Defendant.

No. CR 22-00603-DSF

JOINT STATEMENT RE: DEFENDANT
ANDRE MORROW LACKNER'S RULE 11
PLEA

17
18 Plaintiff United States of America, by and through its counsel
19 of record, the United States Attorney for the Central District of
20 California and Assistant United States Attorney Amanda Elbogen, and
21 defendant ANDRE MORROW LACKNER ("defendant"), by and through his
22 counsel of record, Deputy Federal Public Defender Lisa LaBarre,
23 hereby submit this joint statement regarding defendant's Rule 11
24 plea.

25 GUILTY PLEA

26 1. Defendant is pleading guilty to the single-count indictment
27 in United States v. Andre Morrow Lackner, No. CR 2:22-00603-DSF,
28

1 which charges defendant with Stalking in violation of 18 U.S.C.
2 § 2261A(2) (A), (B), and § 2261(b) (5).

3 NATURE OF THE OFFENSES

4 2. For defendant to be guilty of the crime charged in the
5 single-count indictment, that is, Stalking, in violation of Title 18,
6 United States Code, Sections 2261A(2) (A), (B) and 2261(b) (5), the
7 following must be true: (1) The defendant, with the intent to harass
8 or intimidate another person, (2) Used the mail, any interactive
9 computer service or electronic communication service or electronic
10 communication system of interstate commerce, or any other facility of
11 interstate or foreign commerce; (3) To engage in a course of conduct
12 that (A) placed that person in reasonable fear of the death of or
13 serious bodily injury to a person or an immediate family
14 member/spouse/intimate partner of that person, or (B) caused,
15 attempted to cause, or would reasonably be expected to cause,
16 substantial emotional distress to that person, or an immediate family
17 member of that person, or a spouse or intimate partner of that
18 person.

19 PENALTIES

20 3. The statutory maximum sentence that the Court can impose
21 for a violation of Title 18, United States Code, Sections
22 2261A(2) (A), (B) and 2261(b) (5), is: 5 years' imprisonment; a 3-year
23 period of supervised release; a fine of \$250,000 or twice the gross
24 gain or gross loss resulting from the offense, whichever is greatest;
25 and a mandatory special assessment of \$100.

26 4. Supervised release is a period of time following
27 imprisonment during which defendant will be subject to various
28 restrictions and requirements. If defendant violates one or more of

1 the conditions of any supervised release imposed, defendant may be
2 returned to prison for all or part of the term of supervised release
3 authorized by statute for the offense that resulted in the term of
4 supervised release, which could result in defendant serving a total
5 term of imprisonment greater than the statutory maximum stated above.

6 5. By pleading guilty, defendant may be giving up valuable
7 government benefits and valuable civic rights, such as the right to
8 vote, the right to possess a firearm, the right to hold office, and
9 the right to serve on a jury. Once the Court accepts defendant's
10 guilty plea, it will be a federal felony for defendant to possess a
11 firearm or ammunition. The conviction in this case may also subject
12 defendant to various other collateral consequences, including but not
13 limited to revocation of probation, parole, or supervised release in
14 another case, and suspension or revocation of a professional license.
15 Unanticipated collateral consequences will not serve as grounds to
16 withdraw defendant's guilty plea.

17 6. If defendant is not a United States citizen, the conviction
18 in this case makes it practically inevitable and a virtual certainty
19 that defendant will be removed or deported from the United States.
20 Defendant may also be denied United States citizenship and admission
21 to the United States in the future. While there may be arguments
22 that defendant can raise in immigration proceedings to avoid or delay
23 removal, removal is presumptively mandatory and a virtual certainty
24 in this case. Removal and immigration consequences are the subject
25 of a separate proceeding and that no one, including his attorney or
26 the Court, can predict to an absolute certainty the effect of his
27 convictions on his immigration status. Unexpected immigration
28

1 consequences will not serve as grounds to withdraw defendant's guilty
2 plea.

3 FACTUAL BASIS

4 7. If this case were to proceed to trial, the government would
5 be prepared to prove the following facts beyond a reasonable doubt:

6 Beginning in or around June 2021, and continuing to at least on
7 or about October 17, 2022, in Los Angeles County, within the Central
8 District of California, and elsewhere, defendant, with the intent to
9 harass and intimidate Victim 1, used an interactive computer service,
10 an electronic communication service, an electronic communication
11 system of interstate commerce, and other facilities of interstate and
12 foreign commerce, namely, cellular telephone networks, email,
13 interstate wires, and the Internet, to engage in a course of conduct
14 that placed Victim 1 in reasonable fear of death and serious bodily
15 injury to herself or an immediate family member, and caused,
16 attempted to cause, and would reasonably be expected to cause
17 substantial emotional distress to Victim 1 and immediate family
18 members of Victim 1.

19 8. Defendant's course of conduct included, among other things,
20 the following:

21 a. On or about June 13, 2021, defendant sent the
22 following text messages to Victim 1, which stated:

23 *Sometimes I wonder if The World is trying to turn me into a*
24 *murderer*

25 *So since everyone cuts me off and treats me like they don't*
26 *exist, maybe I am meant to give this world a message no one is*
able to ignore

27 *I feel like the only choice in life left, after I lose my mom,*
28 *is to either shoot myself or take a lot of people with me*
because I'll never have friends again.

1 b. Also on or about June 13, 2021, after Victim 1 sent
2 defendant messages encouraging him to seek help, and indicating that
3 if she received any similar messages from defendant going forward,
4 she would report them out of concern for defendant's safety and the
5 safety of those around him, defendant sent Victim 1 the following
6 text messages, which stated:

7 *Well I am being watched and have gotten the legal trouble*
8 *before, so being report would probably result in jail time for*
9 *me*

10 *But knowing you are this eager to get me thrown in the slammer,*
11 *just reinforces my belief that people hate me*

12 c. On or about August 14, 2021, after Victim 1 rejected
13 defendant's request to meet up in person, defendant sent Victim 1
14 several text messages to which Victim 1 did not respond, including
15 the following:

16 *. . . you're not the only Jew friend that's been fake to me and*
17 *cut me off Not everyone can live up to Jewish standards*
18 *because we don't have the same cultural background or advantages*
 in society.

19 *Delete my number and block me. Fuck pen pal bullshit. Hit me up*
20 *for the threesome if u change ur mind. peace [peace emoji]*

21 d. On or about October 31, 2021, defendant sent numerous
22 text messages to Victim 1 to which Victim 1 did not respond,
23 including the following:

24 *All the kikes cut me off. The Jew has no tolerance towards other*
25 *people that don't have the similar upbringing as them.*

26 *The Jews love gravitating towards black entertainers so they can*
27 *use them with their own selfish intentions, even if it's just to*
28 *be entertained. But at the end of the day these parasites are*
 only pursuing Zionist and Jewish interests

1 *The Asians are even worse, we need to start more Asian hate and*
 2 *wipe these alien gooks off the planet too*

3 *Chinks and kikes are the only true protected groups. You can say*
 4 *whatever you want about niggers and wetbacks nobody cares, but*
 dare speak up about chang or shalom and youre cancelled

5 *I'm tired of kikes putting me down all the time. Maybe Hitler*
 6 *was on to something. You guys pretend to be multicultural so you*
 7 *can get more power, you masquerade as people of color but at the*
 8 *end of the day you were only concerned about jews, just like the*
 groups who claim to be people of color that once they get into a
 favorable position they immediately discriminate against other
 minorities

9 *I honestly wish I never went to Smc and didn't have to be around*
 10 *the sheltered Jews that grew up with easy and safe lives, I*
 11 *should've stayed with my own ghetto trash nigger kind. The Jews*
 12 *and Chinks own everything in LA and I will never be accepted by*
 13 *them, The Jews and Chinks own all the digital platforms where*
 they spread hate speech and censor black people. Facey non-Jews
 as objects to be used. They must go.

14 *And I wish these anne franks would stop fetishizing black men*
 15 *and seeing us as sexual objects, because at the end of the day*
 you will never marry outside of Jewish anyway

16 e. On or about January 22, 2022, defendant sent three
 17 text messages to Victim 1 to which Victim 1 did not respond, stating:

18 *I wish I could walk all these kikes to the gas chamber myself*

19 *Why do the Hebrew think that just because money is involved they*
 20 *have the right to be arrogant nasty and disrespectful towards*
 21 *everyone else in the workplace? I realize I don't hate white*
 22 *people as much as the Jews, it's the Jews that have been*
 23 *extremely rude and down pudding [sic]. You guys think you are*
 24 *better than everyone else and talk down to everyone. You have*
 zero tolerance towards anyone who doesn't fit your cultural
 standards. That's why you need to be walked back to the gas
 chamber where you belong.

25 *And you pretend to be anti-racist because you know that you are*
 26 *a minority yourself, but I see through your bullshit, and I want*
 to see every single Jew exterminated from this earth

1 f. On or about March 7, 2022, defendant sent the
2 following text message to Victim 1, to which Victim 1 did not
3 respond:

4 *Remember, Hitler was right about the kikes.*

5 g. On or about March 8, 2022, defendant sent the
6 following text message to Victim 1, to which Victim 1 did not
7 respond:

8 *Hey Jude*

9 h. On or about August 7, 2022, defendant sent the
10 following text messages to Victim 1, to which Victim 1 did not
11 respond:

12 *Would you like to celebrate the next synagogue shooting?*

13 *I used to hate white people until I realize the people who have*
14 *been nasty in disrespectful To me all these years weren't white,*
15 *they were Jewish. I sympathize more with neo-Nazis now because I*
understand that they were right

16 i. On or about October 17, 2022, defendant sent the
17 following email to Victim 1, to which Victim 1 did not respond:

18 *The more I learn about Jews and realize most of the disrespect,*
19 *mistreatment, racism, and humiliation I received in my life*
20 *wasn't from whites, but from Jews. I mistook you as the same*
21 *race and realized it's the Jews who have caused most of the*
22 *problems in my life and in the world today. You see us black*
23 *people as your pets, your cattle to fetishize. That's why you*
had no problem putting me down for being poor and growing up in
the ghetto Putting me down for not having a privileged Jew job.
Putting me down for not growing up on the westside and have all
society cater to me for being Jewish.

24 *Hitler was right about you people. The holocaust never happened.*
25 *And if it did, you deserved it.*

26 *I will make sure I kill a Jew before I leave this earth.*
27
28

SENTENCING FACTORS

9. In determining defendant's sentence, the Court is required to calculate the applicable Sentencing Guidelines range and to consider that range, possible departures under the Sentencing Guidelines, and the other sentencing factors set forth in 18 U.S.C. § 3553(a). The Sentencing Guidelines are advisory only. Defendant cannot have any expectation of receiving a sentence within the calculated Sentencing Guidelines range. After considering the Sentencing Guidelines and the other § 3553(a) factors, the Court will be free to exercise its discretion to impose any sentence it finds appropriate up to the maximum set by statute for the crime of conviction.

WAIVER OF CONSTITUTIONAL RIGHTS

10. By pleading guilty, defendant gives up the following rights:

- a. The right to persist in a plea of not guilty.
- b. The right to a speedy and public trial by jury.
- c. The right to be represented by counsel -- and if necessary have the Court appoint counsel -- at trial. Defendant understands, however, that, defendant retains the right to be represented by counsel -- and if necessary have the Court appoint counsel -- at every other stage of the proceeding.
- d. The right to be presumed innocent and to have the burden of proof placed on the government to prove defendant guilty beyond a reasonable doubt.
- e. The right to confront and cross-examine witnesses against defendant.

1 f. The right to testify and to present evidence in
2 opposition to the charges, including the right to compel the
3 attendance of witnesses to testify.

4 g. The right not to be compelled to testify, and, if
5 defendant chose not to testify or present evidence, to have that
6 choice not be used against defendant.

7 h. Any and all rights to pursue any affirmative defenses,
8 Fourth Amendment or Fifth Amendment claims, and other pretrial
9 motions that have been filed or could be filed.

10 Dated: January 24, 2024

Respectfully submitted,

11 E. MARTIN ESTRADA
12 United States Attorney

13 CAMERON L. SCHROEDER
14 Assistant United States Attorney
 Chief, National Security Division

15 _____
 /s/
 AMANDA B. ELBOGEN
 Assistant United States Attorneys

16 Attorneys for Plaintiff
17 UNITED STATES OF AMERICA

18
19 Dated: January 24, 2024

CUAUHTEMOC ORTEGA
Federal Public Defender

21 _____
 /s/ *per email authorization*
22 LISA LABARRE
 Deputy Federal Public Defender

23 Attorneys for Defendant
24 ANDRE MORROW LACKNER